

**ORDINANCE NO. 09-05**

ORDINANCE APPROVING A FINAL PLAT OF CAPDEVILA SUBDIVISION. **PROPERTY LOCATED AT 2675 EAST 7 AVENUE, HIALEAH, FLORIDA.** ACCEPTING ALL DEDICATION OF AVENUES OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of December 10, 2008 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The final plat of Capdevila Subdivision, submitted by Sergio Capdevila, joined by his wife, Milagros Capdevila, is hereby accepted. Property located at 2675 East 7 Avenue, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and classified under the Future Land Use Map as Low Density Residential, and legally described as follows:

LOTS 1 AND 2, IN BLOCK 40B, OF THE AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH THE NORTH ½ OF THE ALLEY ADJACENT THERETO, VACATED PURSUANT TO HIA., FL, ORD. 94-104 (Nov. 15, 1994).

**Section 2:** All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon are hereby accepted.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or section of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida.

PASSED and ADOPTED this 13th day of January, 2009.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

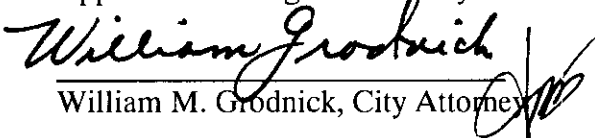
Attest:

  
Rafael E. Granado, City Clerk

Approved on this 15 day of February, 2009.

  
Mayor Julio Robaina

Approved as to legal sufficiency and as to form:

  
William M. Grodnick, City Attorney

Ordinance was adopted by a  
unanimous vote with  
Councilmembers Caragol, Cue,  
Casals-Muñoz, Garcia-Martinez,  
Gonzalez, Hernandez, and Yedra  
voting "Yes".